

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Donald G. Jackman, Jr.)	
Petitioner,)	
v.)	Case No.Civ.04-1098
)	(Crim.No.00-72)
United States of America)	
Respondent)	

MOTION FOR DISQUALIFICATION UNDER
28 USCS § 455(a) & (b)(1) & (5)(i)

NOW COMES, Donald G. Jackman, Jr. (Petitioner) in the above named and captioned case under motion to recuse to have Judge Maurice B. Cohill, Jr. removed from the above listed case. An affidavit in support of said motion is attached.

Respectfully submitted,

Donald G. Jackman, Jr. Pro se

Donald G. Jackman, Jr. #06804-068
Federal Correctional Institution, McKean
P.O. Box 8000
Bradford, Pa. 16701

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U.S. DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

AFFIDAVIT IN SUPPORT OF MOTION TO DISQUALIFY

In support of the foregoing motion to disqualify (recuse) Petitioner says and states the following:

1. That the ruling of Judge Cohill of the Opinion and Order dated December 21, 2006 under case number 00-72 was in part done in violation of 28 USCS § 453. In that it has denied equal right with respect to persons.

2. That the violations of §455(a) were the result of Judge Cohill being a party to the civil action under 05-cv-00215E which involves the same situation as the present case, his impartiality questionable, being represented by the United States Attorney's Office which are also defendants in the same case.

3. That the violations of §455(b)(1) are the result of having personal knowledge of the disputed evidentiary facts or having a personal bias or prejudice due to facts contained in the complaint or related to acts or actions which may have injured wild birds, which is a personal no no as Judge Cohill sees it. That further evidence consists of acts or actions by other government actors relating to false testimony to miscarriage of justice acts.

4. That the violations of §455(b)(5)(i) consist of being a party to case number 05-cv-00215 which directly relates to the issues in the denied Motion under 28 USCS § 2255 which comprises the information contained in the Opinion and Order of December 21, 2006,.

5. That information contained within the Opinion and Order (O&O) is based on information and alleged facts either known to be false by Judge Cohill, or that withheld evidence contains information that would, or would tend to show the information the O&O was based on to

be false.

6. That the case of 05-00215E has been biased and prejudiced in violation of 28 USCS § 144. This the result of the O&O denying the \$2255 motion by Judge Cohill has resulted in its being used in the the corresponding civil action prior to any appellate process. This a clear showing on the part of Judge Cohill to influence the outcome of a trial or proceeding by using the office of district court judge to effect such outcome.

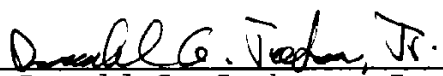
7. That the effects of the denial of the O&O are already being realized by the responses being received using the denial as a basis to request dismissal of the civil action under No.05-cv-00215E.

8. That recusal is required and dismissal of the O&O is further required in light of the fact that Judge Cohill under 28 USCS 1292(d) (4)(B) ruled on the \$2255 prior to the completion of the appellate process as it relates to the Motion to Transfer to the Federal Court of Claims, the denial of suspending any action on the matter prior to a ruling by the appellate court.

CONCLUSION

In conclusion Plaintiff moves this district court to grant this motion for recusal, retract the Opinion and Order, and assign a jurist who is not compromised and can render opinions which reflect the law and are not partial to one party or the other, just the laws as written. Thank you.


Respectfully submitted,


Donald G. Jackman, Jr. Pro se
Pro se

CERTIFICATE OF SERVICE

This is to certify that the foregoing is true and correct to the best of my ability and knowledge. This is to further certify that the foregoing was made in good faith. That all parties of record have on this the 19th day of January, 2007, been served a copy sent postage prepaid and addressed as follows:

Respectfully submitted,



Donald G. Jackman, Jr. #06804-068
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P.O. Box 8000
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cc: Office of the Clerk
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: file